From: Sean Flynn
To: Microsoft ATR
Date: 1/3/02 1:33pm
Subject: United States v. Microsoft Settlement

To whom it may concern regarding the matter of United States v. Microsoft Settlement,

In general I believe the terms of the agreement are fair and just. It should be noted that NO other company in this industry provides the levels of access to source code and API's as defined in this agreement. This includes the Java platform which unfairly has been described as a "community" of vendors. The Java platform is a significant competitor to Microsoft and is a proprietary implementation that falls under the sole discretion of Sun Microsystems in how it is used and by whom it is disclosed to.

Two significant factors should be examined when considering the fairness of this agreement: the merits of the original case made to the courts and the current climate of competitiveness. On the first point the main case against Microsoft was concerning the anticompetitive actions against Netscape. Upon examining the history of Netscape one can easily see that it was purchased by a significant competitor of Microsoft, AOL, and then purposely dismantled the company to prevent it from effectively competing. It should be noted that Netscape, after the purchase by AOL, did not release a major version of their browser until just a few months ago after the Microsoft verdict was overturned on appeal. Obviously it was in AOL's best interest to show that Netscape was harmed by Microsoft so they purposely prevent the product from moving forward. On the second point the computer operating systems marketplace is extremely competitive. Depending on how you distort the figures you can make them say anything you want them to. The normal statistic quoted it that 95% of the operating systems run on Intel PC processors is Microsoft. If you broaden this to say what operating system do most end users interact with: IBM mainframe OS's. If you look at what operating system most transactions are processed on: IBM mainframe OS's. If you look at what most Internet sites and applications run on: UNIX. When you look at the whole computer field you can easily see that the it is a very competitive environment.

Thank you for considering my comments.

Sincerely,
Sean Flynn